

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KENNETH JOE MCDOWELL,)	
)	
Plaintiff,)	
)	
v.)	1:20CV1003
)	
KILOLO KIJAKAZI, ¹ ,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

On February 28, 2022, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and served on the parties in this action, and a copy was given to the court. Within the time limitation set forth in the statute, counsel for Plaintiff objected to the Recommendation.

The court has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Judgment Reversing or Modifying the Decision of the Commissioner of Social Security or Remanding the Cause for a Rehearing, (ECF No. 13), is DENIED, Defendant's Motion for Judgment on the Pleadings, (ECF No. 15), is GRANTED, the Commissioner's decision finding no disability is AFFIRMED, and that this action is DISMISSED with prejudice.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 21st day of March 2022.

/s/ Loretta C. Biggs
United States District Judge